

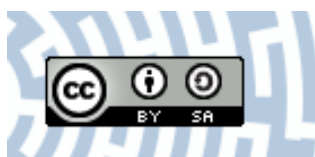


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## Chapter Six

# PEACE in interpreter-mediated investigative interviews – working together to achieve best evidence\*

*Katarzyna Holewik*

It is widely known that investigative interviews are fundamental and most prevalent law-enforcement activities and are considered to be “the major fact-finding method police officers have at their disposal when investigating crime” (Schollum 2005: 3). What is more, it is often stated that quality interviews can ensure quality investigations and that is why many police officers undergo training in investigative interviewing. There is no doubt that the interview needs to be as accurate, reliable and effective as possible and in the case of monolingual interviews this success largely depends on factors such as interviewing techniques and strategies, strength of evidence, access to legal advice or an interviewer’s attitude to name but a few (St-Yves and Deslauriers-Varin 2009). However, in bilingual interviews, there is one more critical factor which may have an impact on the confession process of a suspect or obtaining a credible statement from a witness, namely, the presence of an interpreter.

Drawing on the PEACE model for investigative interviewing and the seven principles of investigative interviewing in England and Wales, the chapter aims at mapping the PEACE model into interpreter-mediated interviews and examining factors and concepts necessary for effective interpreter-mediated interviews.

The intention of this chapter, which reviews literature on investigative interviewing as well as public service interpreting, is to identify and illustrate shared principles and behaviour between both participants of the communicative event (i.e., interviewers and interpreters) suggesting that both of them work towards the same goal – obtaining best evidence, and also to argue that it is through professionalism, awareness and understanding, cooperation, and trust (PACT) that they can achieve it.

**Keywords:** investigative interviewing, PEACE, interpreter-mediated police interviews, cooperation, principles of investigative interviewing, PACT

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\* The chapter’s title is partly derived from the conference The First UK National Joint Training for Police Officers and Police Interpreters *Working together to obtain the best evidence* (Cambridgeshire Constabulary, Huntingdon, 11 September 2015) which also emphasised the need for collaboration of interpreters and police officers.

## 1. Introduction

In the context of literature that looks at investigative interviewing as well as public service interpreting, the chapter aims to highlight the importance of investigative interviewing as a main component of police investigation together with the need for the provision of interpreters. The main objective is to examine the seven principles of investigative interviewing in England and Wales together with the PEACE framework for investigative interviewing and apply them to interpreter-mediated interviews in order to identify and illustrate shared principles and behaviour between interviewers and interpreters. These are: obtaining an accurate and reliable account, refraining from bias, acting fairly and ethically, seeking clarification, careful planning and preparation before an interview and evaluation after an interview. It is also argued that not only do interviewers and interpreters tend to follow similar principles and value similar concepts and practices, but most of all they share the same goal – achieving best evidence. According to the author of the chapter, what is also prerequisite in order to attain this goal is PACT, an acronym standing for factors such as professionalism, awareness and understanding, cooperation, and trust.

The author has chosen to focus on the PEACE model on the grounds that she believes it to be a successful framework for investigative interviewing which makes use of psychological theories and has been applied in many countries worldwide as well as due to the availability of extensive literature on the subject. Other deciding factors are the author's interest in forensic psychology and the investigative interviewing practices in the UK as well as the openness of British police forces towards academic research and willingness to share their experience and professional point of view on investigative interviewing.

## 2. The importance of investigative interviewing

Investigative interviews are thought to be fundamental and most prevalent law-enforcement activities and are considered to be “the major fact-finding method police officers have at their disposal when investigating crime” (Scholium 2005: 3). It seems that interviews maintain this position of the utmost importance due to the fact that they take place during the initial phase of the criminal justice process and that they are later used as evidence during the criminal proceedings. According to the College of Policing (2016), investigative interviews play as a pivotal role in the investigation as forensic evidence:

Without the accounts of those who played a central role in the crime, or those who have witnessed an important aspect of the commission of a crime,

other sources of material such as CCTV images, fingerprints and forensic material, although extremely important, may have little value.

Horvath and Meesig (1996, cited by Heydon and Lai 2013) mention the overemphasis on forensic and physical evidence in criminal cases and likewise claim that physical evidence does not tend to be used in the majority of criminal cases. What tends to be used, however, is the testimonial evidence. Schollum (2005: 15) and Heydon and Lai (2013) maintain that testimonial evidence accounts for 80% of all evidence presented in courts (the remaining 20% accounts for “real and documentary evidence”). Finally, Milne and Bull (1991: 1) point out that it is “the completeness and accuracy of the witness account” that is a key factor determining the solvability of a crime.

On the other hand, according to The Open University (2016) even though witness testimony and suspect interviews play such a pivotal role in the investigation, one needs to bear in mind that there are some risks associated with them, for instance wrongful convictions.

Psychological research has revealed the dangers of relying on evidence gained from an eyewitness and also how careful the police need to be when questioning witnesses [...] Eight factors that have contributed to wrongful convictions (based on data from Scheck, Neufeld and Dwyer, 2000) are as follows: eyewitness misidentification, forensic blood analysis, police misconduct, defective/fraudulent science, false confessions, false witness testimony, informants, DNA inclusions.

Consequently, in order to prevent wrongful convictions (see Innocence Project), there is no doubt that interviews need to be as accurate, reliable and effective as possible. In the case of monolingual suspects’ interviews this success largely depends on contextual factors, such as interviewing techniques and strategies, strength of evidence, access to legal advice or an interviewer’s attitude, etc. (St-Yves and Deslauriers-Varin 2009). Other factors which may contribute to the success of the interview enumerated by Schollum (2005: 5) are: “skill level of the interviewer, the cooperation of the interviewee, the nature of the offence or incident under investigation and the type of approach being taken, for example, a conversation management interview (CM) or an enhanced cognitive interview (ECI).” Finally, interpersonal skills, personality and the attitude of the interviewer seem to be of great importance as well (see Shepherd 1991).

However, due to globalisation, constant migration and consequently the development of multilingual and multicultural societies there seems to be one more major factor that can affect and/or contribute to the success of an interview – the presence of an interpreter. If the interpreter-mediated interviews are to remain accurate and effective and the police evidence reliable when subjected to the scrutiny of the court, there needs to be mutual understanding and cooperation

between interviewers and interpreters, without whom, it seems, it would be impossible to obtain the accounts of witnesses, victims and suspects who do not share the language with the interviewer. The collaboration is necessary if the aim is to obtain the best evidence and such a view is advocated throughout the chapter.

### **3. Presence of an interpreter in criminal proceedings when a foreign language is spoken**

When describing contextual factors and focusing on monolingual interviews St-Yves and Deslauriers (2009) do not mention interpreters at all, however it seems that access to an interpreter could well be considered one of the contextual factors if the discussion concerned bilingual interviews. Various international legal documents emphasise the right to defence, a fair trial and effective access to justice<sup>1</sup> which, in multilingual and multicultural societies, can be guaranteed not only by access to (free) legal advice but also to an interpreter if a person does not speak or understand the language of the proceedings.

Article 6 of The European Convention on Human Rights (ECHR) provides that “everyone charged with a criminal offence has a right to have the free assistance of an interpreter if he cannot understand or speak the language used in court.”<sup>2</sup> Since 2010 not only does there exist a relevant European legislation entitling defendants in criminal proceedings to translation and interpretation services, namely European Directive 2010/64/EU, but also member states have their own legislations ensuring the right to translation and interpretation services (e.g., Polish Code of Criminal Procedure (1997) articles 72 and 204, Human Rights Act UK (1998) article 6, Police and Criminal Evidence Act (1984)).

Despite such recommendations for the use of interpreters, there still seems to be some reluctance on the part of the police force at times. Gallai (2013) enumerates the following reasons for what he calls “resistance to the use of interpreters,” namely the difficulty of obtaining an interpreter, the cost of interpreters, additional thinking time given to the interviewee, interposition of the interpreter between the parties in the interview which may influence the perception of the interviewee’s non-verbal language or finally, the feeling of losing control of the interview and the loss of the effectiveness of the interview. On the other hand, there are many police officers who understand the necessity of providing the interpreter’s assistance and at the same time the difficulties it may entail. When discussing the extended period of time of the interviews due to the need for interpretation, Bryant (2013: 497) points out that the inter-

<sup>1</sup> Article 47 and 48(2) of the Charter of Fundamental Rights of European Union (2000/C 364/01).

<sup>2</sup> See also Human Rights Act UK (1998).

viewer needs to allow extra time in order not to “hurry the process” and does not perceive this slower pace as a disadvantage. Bryant (2013: 497) claims that thanks to that, the interviewer will be able to devote more time “to observe and consider the suspect’s NVC<sup>3</sup> and demeanour.” Also, Laster and Taylor (1994: 135, cited by Hale 2007: 68–70) explain that the provision of interpreters contributes to police efficiency: “The effort expended in obtaining evidence may be wasted if it is subsequently excluded by a court as being unreliable” and consider the right to an interpreter during the interview even more paramount than during the trial. On the whole, it is apparent that interpreters play a pivotal role in investigative interviews and without their presence it would be rather impossible to conduct interviews with interviewees who do not speak or understand the language of the proceedings.

#### **4. Principles of investigative interviewing and their applicability for interpreter-mediated interviews**

In recent years many countries, for instance, United Kingdom, Australia, New Zealand, adopted the term “interviewing” instead of “interrogation” due to the negative connotation of the latter. It is widely known that the objective of “interrogation” is to obtain a confession or an admission (Yesche 2003, cited by Schollum 2005: 11), quite often with the use of coercion and persuasive techniques (Roberts 2012), while the aim of “interviewing” is to gather information, build and develop rapport as well as take a non-judgemental approach. Nowadays, police forces in many countries advocate ethical interviewing, treating interviewees with respect and dignity and adopting a professional approach if the interviews are to be effective (see New Zealand Police 2012; Shepherd and Griffiths 2013).

Interviewing is considered to be a complex activity and, as it was stated before, its success depends on multiple factors and thus “it requires learning and practice to ensure that high standards are achieved and maintained” (College of Policing 2016). Similarly, Schollum (2005) stresses that obtaining accurate, complete and relevant information is a complicated task and thus needs to be performed “with care, subtlety and skill.” Therefore, due to this complex nature of investigative interviewing, police forces in many countries undergo training on how to conduct ethical, reliable and effective interviews, which focuses on skills such as “the ability to plan and prepare for interviews, to establish rapport, effective listening and effective questioning,” among others (Schollum 2005: 16). Such training, however, generally tends to focus on conducting monolingual interviews and thus lacks guidance on how to successfully work with interpreters in order to obtain an accurate and reliable account during bilingual interviews, which due to the language barrier make the interviewing process even more elaborate.

<sup>3</sup> Non-verbal communication.

Whilst it seems vital that not only police officers but also interpreters understand the complexity of interviewing, many skilled, trained and certified public service interpreters do not undergo any specialist training on how to work with police forces, let alone how to conduct effective interviews. They can however make use of certain resources to familiarise themselves with principles and stages of investigative interviewing (see Bull and Milne 1999; Clarke and Milne 2001; Shepherd 2013).

This section contains the seven principles of investigative interviewing introduced and developed by the Home Office (1992) and the Association of Chief Police Officers (ACPO) which, as a foundation of good investigative interviewing techniques, are said to contribute to obtaining a high quality account (College of Policing 2016) and to conducting interviews in an ethical way. The principles which are so vital for interviewers can be a great source of knowledge for police interpreters as well so as to help them better understand the nature and tenets of investigative interviewing and the expectations of police officers conducting the interviews. Thus, each principle presented in this section (apart from Principle 5) contains a commentary on its possible application and relevance to interpreter-mediated interviews and police interpreters, suggested by the author of the chapter.<sup>4</sup>

### Principle 1

The aim of investigative interviewing is to obtain **accurate and reliable**<sup>5</sup> accounts from victims, witnesses or suspects about matters under police investigation.

To be accurate, information should be as complete as possible without any omissions or distortion.

To be reliable, the information must have been given truthfully and be able to withstand further scrutiny, e.g. in court.

Accurate and reliable accounts ensure that the investigation can be taken further by opening up other lines of enquiry and acting as a basis for questioning others. (College of Policing 2016)

Principle 1 is regarded to be of great importance for police officers and should also be for police interpreters so that the police evidence remains reliable when subjected to the scrutiny of the court. In order to assist obtaining accurate and reliable accounts, interpreters need to provide accurate translation. It is essential that inter-

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<sup>4</sup> The version used in the chapter contains the commentary by the College of Policing. It has been chosen due to the fact that it contains additional explanations and is thus considered by the author to be quite comprehensive for it to be applied to interpreter-mediated interviews.

<sup>5</sup> Emphasis added – KH.



preters understand the importance of providing accurate translation/interpretation along with the consequences of not doing so. Mulayim et al. (2014: 58) claim that

the lexical choices interpreters make during a police interview will be subject, sometimes almost instantaneously, to close scrutiny by the interviewing police officer, and may, at later trials give rise to hours of examination of and debate over the interpretation of target language words rendered by the interpreter.

Therefore, interpreters need to exercise caution when making their lexical choices. Accuracy is most quoted tenet of many international codes of ethics/codes of conduct for public service interpreters and any professional interpreter is (or should be) aware of its significance. It is generally understood as being faithful to the original message and in police settings it particularly needs to concern providing details, exact words (especially coarse language), general features of spoken language, paralinguistic elements and preserving the tone and register. Since the notion of accuracy appears to be a rather elaborate one both for interviewers and interpreters, let us examine it in detail.

Firstly, police interpreters need to strive for rendering **the whole** message without summarizing, omitting, adding, editing or removing anything, for example, details in a description of a suspect or a stolen vehicle. They should understand that interviewers need to obtain any details which they feel may be relevant to the case and it is up to them, not interpreters, if any information will be disproved later or not and/or how the account will be interpreted. It is also worth pointing out that some police officers<sup>6</sup> even prefer to use the term “translate faithfully” over “interpret faithfully” due to the fact that the word “interpret” carries multiple meanings, one of them being “to explain the meaning of, to elucidate.”<sup>7</sup>

On the other hand, interviewers need to bear in mind that accuracy should not be confused with literal translation (see Hale 2007; Eades 2010; Berk-Seligson 2002). Thus, statements such as “Please translate everything, word-for-word, literally” often made by them should be avoided. Police officers need to be aware of the lack of linguistic equivalence, problems of ambiguity or non-explicitness (Jackobsen 2002, cited in Hale 2007: 113).

Secondly, faithfulness and accuracy in police and public service interpreting also concerns

conveying derogatory or vulgar remarks as well as non-verbal clues.  
(AUSIT code of ethics, cited by Hale 2007: 109)

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<sup>6</sup> British Transport Police (2016) – personal communication.

<sup>7</sup> See *The Free Dictionary*.



conveying hedges, false starts and repetitions [...], retaining English words mixed into other languages and culturally bound terms which have no direct equivalent in English<sup>8</sup> or may have more than one meaning, conserving the register, style and tone of the source language.

(NAJIT code of ethics)

[conveying] insults and any non-verbal clues.

(International Criminal Tribunal for the Former Yugoslavia Code of Ethics 1999: 14)

Furthermore, interpreters need to convey “any patent mistakes and untruths” (International Criminal Tribunal for the Former Yugoslavia Code of Ethics 1999: 14) and any content they themselves may find offensive, immoral or wrong. Translating vulgar remarks, swear words or insults may not come easy to some interpreters. The feelings of embarrassment and uneasiness may often accompany especially trainee interpreters who try to “soften” derogatory language and amend the vocabulary or ignore false starts and/or repetitions.<sup>9</sup> Hale (2007: 140) states that swearing may pose problems as well due to the fact that it “may be against the beliefs of some interpreters and so they may refuse to interpret accurately, resorting to omitting the utterance.” However, what interpreters need to realize is that they are not the authors of the utterances and thus should not feel embarrassed about such vocabulary since no one will be offended if they use it. Interpreters are indeed responsible for faithfulness and accuracy but not “for **what**<sup>10</sup> is said by anyone for whom they are interpreting” (Cross-Cultural Health Care Program Code of Conduct in Hale 2007: 119). Those issues, however, need to be addressed not only in codes but first and foremost during interpreter training.

Finally, it is widely known that in order to maintain accuracy and fidelity while interpreting in consecutive or semi-consecutive mode, interpreters take notes, akin to police officers. Both interpreters and interviewers however need to make sure that the notes taken during the interview are left behind or destroyed at the end of the interview (see Cambridgeshire Constabulary 2016) to ensure confidentiality.

## Principle 2

Investigators must act fairly when questioning victims, witnesses or suspects. They must ensure that they comply with all the provisions and duties under the Equality Act 2010 and the Human Rights Act 1998.

Acting fairly means that the investigator must not approach any interview with prejudice. The interviewer should be prepared to believe the account

<sup>8</sup> This should apply to both source and target language.

<sup>9</sup> Holewik (2016) pilot study.

<sup>10</sup> Emphasis added – KH.

that they are being given, but use common sense and judgement rather than personal beliefs to assess the accuracy of what is being said.  
(College of Policing 2016)

It can be seen that Principle 2 focuses on fairness and lack of prejudice as well as applying common sense and judgement. Treating others as well as providing accurate interpretation (translation) without prejudice or bias also applies to public service interpreters. Such attitude is often prescribed by various codes of conduct for public service interpreters together with the principle of impartiality. Interpreters are expected to remain unbiased and impartial (Austrian Association of Certified Court Interpreters Code of Ethics 2016) and “shall refrain from conduct that may give an appearance of bias [...] and must not engage in conduct creating the appearance of bias, prejudice, or partiality” (California Rules of Court 2016). Unlike the interviewers, interpreters are not required to apply common sense and judgement in order to assess the accuracy of what is being said, since it is the task of interviewers to assess the account and then decide whether to believe it or not. As language professionals though, interpreters apply common sense and judgement in any linguistic decisions they make in order to “render the language in an efficient and intelligible manner, while retaining all meaning and style” (Mikkelsen 1999, cited by Mulayim et al. 2014: 57).

### **Principle 3**

Investigative interviewing should be approached with an investigative mindset.

Accounts obtained from the person who is being interviewed should always be tested against what the interviewer already knows or what can be reasonably established. (College of Policing 2016)

Principle 4 highlights the importance of having an open mind for interviewers which means being free of pre-judgements. While an interviewer needs to be ready to believe the account provided by a suspect, victim or witness, they also should be wary of deception. An interpreter’s task, on the contrary, is not to test an interviewee’s account or be careful about deception; it is however essential that they also have an open mind, that is, are prepared to believe and accept whatever they hear and then render it accurately regardless of whether the content seems unreasonable, untrue or appalling. Having an open mind means translating even “patent untruths and mistakes” (International Criminal Tribunal for the Former Yugoslavia Code of Ethics; 1999: 14 see Principle 1) and not forming any judgements or making any assumptions about the content of the message or an interviewee, which is also advocated by some codes of conduct:

Even if the interpreter disagrees with what is said, thinks it is wrong, a lie or even immoral, the interpreter must suspend judgement, make no comment and interpret everything accurately. (Cross-Cultural Health Care Program Code of Conduct in Hale 2007: 119)

#### **Principle 4**

Investigators are free to ask a wide range of questions in an interview in order to obtain material which may assist an investigation and provide sufficient evidence or information.

Although the interviewer may ask a wide range of questions, the interviewing style must not be unfair or oppressive. (College of Policing 2016)

Due to the fact that Principles 4 and 6 seem closely related, they are discussed together under the Principle 6.

#### **Principle 5**

Investigators should recognise the positive impact of an early admission in the context of the criminal justice system. (College of Policing 2016)

Principle 5 seems to be the only one which does not appear to be directly applicable to police interpreters due to the fact that they are not law enforcement officials.

#### **Principle 6**

Investigators are not bound to accept the first answer given. Questioning is not unfair merely because it is persistent. An investigating officer has the duty to obtain accurate and reliable information. A complete and reliable account from witnesses, victims and suspects may not always be easy to obtain. It is acceptable for interviewers to be persistent as long as they are also careful and consistent but not unfair or oppressive. (College of Policing 2016)

As noted before, Principle 6 appears to be connected to the Principle 1, that is, the need to obtain an accurate account, and also to the Principle 4, asking a wide range of questions. The Principle 6 contains a pivotal statement that obtaining a complete and reliable account may not be an easy task. This seems to be a characteristic of both investigative interviewing and interpretation which will be commented upon below.

The interviewer may have difficulty in obtaining complete and accurate account on the grounds that the suspect, witness, or a victim may be unwilling to cooperate or may be (generally) unclear in expressing their ideas. Similarly,

the interpreter may experience difficulty in understanding what the interviewee means if they do not express their ideas clearly, if they speak in a quiet manner or have (or pretend to) have some speech impairment. This could result in the interpreter's inability to render the message correctly (or even render it at all) due to the fact that it seems impossible to translate the message if it is not understood or heard properly.

Thus, strategies such as seeking clarification and asking additional questions can assist in obtaining accurate and complete information in the case of both the interviewer and the interpreter. It is vital though that the need to seek clarification or ask for repetition be welcomed<sup>11</sup> by interviewers and not perceived, for example, as a sign of interpreter's incompetence or an attempt to hold a personal conversation with the interviewee (see Hale 2007). An interpreter naturally needs to inform both parties that they are going to seek clarification in order to maintain the trust of both parties. As previously stated, interpreters share the goal of obtaining and conveying an accurate message with police officers and thanks to seeking clarification or asking for repetition, they are able to achieve that goal.

### Principle 7

Even when a suspect exercises the right to silence, investigators have a responsibility to put questions to them. (College of Policing 2016)

According to the Police and Criminal Evidence Act (1984) a suspect can exercise their right to silence under police questioning and even in "no comment" interviews the interviewer needs to ask all relevant questions so that the suspect is given "the opportunity to respond to any relevant information" (College of Policing 2016). Whilst such interviews may at times be off-putting for police officers, they should not be for interpreters. Interpreters need to bear in mind that any "no comment" interview may turn into a regular interview at any point if the suspect all of a sudden makes a decision to respond to questioning. To that end, interpreters ought to be aware of the importance of "no comment" interviews, stay focused at all times and render all interviewers' questions accurately to the suspect regardless of the suspect's demeanour or attitude which may at times appear inappropriate or discouraging.

From the analysis of the principles described above it could be concluded that they are necessary, not only for effective monolingual investigative interviews but also for effective interpreter-mediated interviews (bilingual interviews). Almost all principles, excluding Principle 5, could be applied to police interpreting. Hence, it seems apparent that both police officers and interpreters strive for achieving common goals, that is, accurate, reliable and

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<sup>11</sup> In fact, according to British Transport Police (personal communication) they are generally welcome.

detailed account, refraining from bias, acting fairly and suspending judgement, having an open mind and seeking clarification, and in order to achieve them they tend to follow analogous principles and display similar behaviour. In addition, it could be suggested that knowledge and understanding of the principles could help interpreters better understand the process of investigative interviewing and actions taken by police officers, for example, putting questions to suspects even if they decide to exercise the right to silence or asking for the same information multiple times.

## 4. PEACE model for investigative interviewing

### 4.1 Introduction

According to Milne and Bull (1999) until the mid-1980s police officers seemed to lack guidance on how to conduct successful and ethical interviews. Therefore, what was needed was the model which would “increase the investigative potential of witness interviewing” and which would not aim at obtaining confessions from suspects (Shepherd and Griffiths 2013: 25) but function as “a conversation with a purpose” instead (Schollum 2005: 10), allowing interviewers to obtain all the information they need “in order to discover facts about the matters under investigation” (New Zealand Police 2012). What was also requisite was a well structured and planned framework. Consequently, the PEACE model for investigative interviewing (see Table 1 and Figure 1), strongly influenced by psychology (see Milne and Bull 1999; Shepherd 2013) was introduced in the UK in 1991. The present section contains a brief explanation of each stage of the PEACE framework, the mnemonic of which stands for:

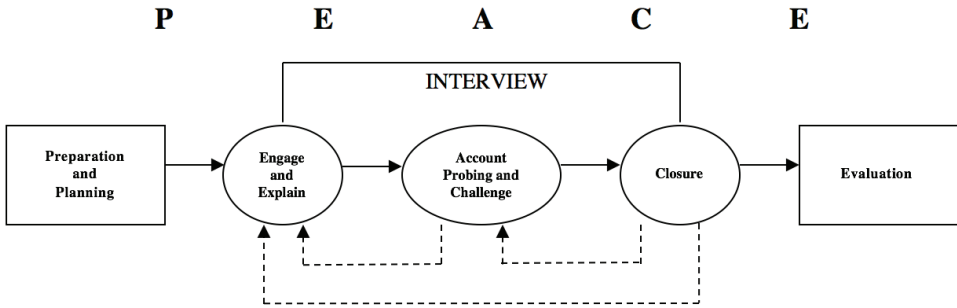
Planning and preparation  
Engage and explain  
Account, probing<sup>12</sup> (clarification) and challenge  
Closure  
Evaluation

The importance of planning cannot be overemphasised both in professional and private life, hence, not without reason is planning and preparation considered one of the most important stages in investigative interviewing. It is by the virtue of planning and preparation that the interviewers can review key issues and objectives in the investigation, consider individual characteristics of the interviewee(s), make some practical arrangements (including the need for

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<sup>12</sup> Also known as Account, clarification and challenge (College of Policing 2016).

a solicitor or an interpreter) or prepare a written interview plan (College of Policing 2016).



**Figure 1.** PEACE model for investigative interviewing (Schollum 2005: 43)

The next stage, that is, engage and explain, is considered “as the most influential factor in ensuring the success of the interview” (Schollum 2005: 45). Bryant (2012) maintains that this stage is about building rapport between the interviewer and the interviewee, “explaining the reasons for the interview, describing the routines, setting out the route map, stating the expectations and explaining the legal rights.” Since the majority of interviewees are unfamiliar with interviewing and police procedures in general, it is a stage when they should obtain clear information on what is going to happen and what the “ground rules” are (Shepherd and Griffiths 2013) as well as be reassured.

Account, which is the main part of the interview, is the stage when the interviewee’s full account of events is obtained by the interviewer (Schollum 2005). Milne and Bull (1999) point out that what is needed for the account to be reliable and accurate are appropriate questioning skills and techniques. According to the College of Policing (2016), active listening and well formulated questions also play an important role. After obtaining the account, the interviewer may need to seek clarification from the witness (Schollum 2005) or challenge a suspect’s account in case of any inconsistencies or discrepancies. Since the professional approach to interviewing requires interviewers to act ethically, while challenging, it is vital for an interviewer not to accuse or criticise but to ask for explanation instead (Bryant 2012).

As stated before, an interview cannot be successful without prior preparation and planning. Correspondingly, it should not end abruptly either. The aim of the last stage of the interview proper, that is, closure, is to make sure whether the parties (e.g., the interviewee or the second interviewer) have any further questions, have an opportunity to correct or add some information as well as provide an explanation of what will happen next and to end the interview politely and positively (College of Policing 2016; Schollum 2005; Bryant 2012; New Zealand Police 2012).

After the interview has concluded, in the evaluation stage, the interviewer has an opportunity to evaluate the information obtained, what has been achieved, if the objectives of the interview have been achieved but also to reflect on their own performance, identify strong and weak points along with the areas for improvement (Bryant 2012).

**Table 1.** Models and stages of investigative interviewing

PEACE model for investigative interviewing in the UK		PEACE in successful interpreter-mediated investigative interviews			Phases of investigative interviewing in Poland*
<b>P</b>	Planning	<b>P</b>	Planning, preparation and priming (=briefing and rapport)	Pre-interview	Planning and preparation
<b>E</b>	Engage and Explain	<b>E</b> <b>A</b> <b>C</b>	Explanation of role and ethics	Interview	Build rapport and explain (preliminary/initial interview)
<b>A</b>	Account		Accuracy, analysis, active listening		Free narrative account Question phase (Challenge-suspect interviews)
<b>C</b>	Closure		Clarification		Closure
<b>E</b>	Evaluate	<b>E</b>	Evaluation and reflection (debriefing)	Post-interview	Evaluate

\*See Kuźmiński (2014), Niezgoda (2007), Śrubka (2013).

Shepherd and Griffiths (2013: 27) maintain that the PEACE model for investigative interviewing is still “the foundation of the interview strategy by the senior leadership of the police service in England, Wales and Northern Ireland.” Schollum (2005) also claims that the model is applied in other countries, such as Australia, New Zealand, Canada and Europe. The stages of investigative interviewing in Poland<sup>13</sup> also seem to reflect the structure of PEACE (see Table 1), even though the method used by police forces in Poland is called the “FBI method of interviewing,” and the emphasis is put on, for example, obtaining as much information as possible, building rapport with the interviewee or active listening (Bartuszek 2007). Table 1 illustrates the stages of investigative interviewing in the UK and in Poland, where similarities in the structure could be

<sup>13</sup> The author of the chapter also conducts her research in Poland.



observed, as well as attempts to map the PEACE model into interpreter-mediated interviews, which is commented upon in detail in the following section.

## **4.2 PEACE model for interpreter-mediated investigative interviewing – factors for effective interpreter-mediated interviews**

Drawing on the PEACE model for investigative interviewing, the section contains concepts, practices and principles which, according to the author of the chapter, are of paramount importance for interviewers and interpreters alike and are considered to be factors necessary for effective, reliable and accurate interpreter-mediated interviews (see Table 1). The issues to be addressed are:

- Planning, preparation and priming (pre-interview stage);
- Explanation of role and ethics, accuracy, analysis, active listening and clarification (interview stage);
- Evaluation and reflection (post-interview stage).

Even though the mnemonic PEACE applied to interpreter-mediated interviews corresponds to the stages of the investigative interviewing framework, it is pivotal that all of the issues in the interview stage (except for the explanation of role) be observed in **every** stage at all times (i.e., Engage and Explain, Account, Closure) and not just in the separate ones, which is reflected in Table 1.

### **4.2.1 Pre-interview: Planning, preparation and priming (P)**

It is widely recognised that planning and preparation are essential for conducting effective police interviews and so are they for successful interpreting assignments. It is for this reason that their importance is highlighted during any interpreter training. First and foremost, planning and preparation prior to an assignment, for every professional interpreter, generally cover the linguistic aspects, such as a review of legal terminology and procedures (e.g., interpreted version of caution (UK), rights and duties of an interviewee (Poland), preparing notes or glossaries). Planning, however, also covers logistics and practical aspects connected with an assignment, for instance, allowing sufficient time to get to the police station in order to arrive at least 15 minutes before the assignment, planning one's own availability during the day (some interviews may take more time than expected and interpreters should always allow extra time if they are planning other assignments for the day). Perez and Wilson (2007: 84) in their research study conducted with the Scottish Police also raise the notion of "logistics"

(in terms of an interpreter's availability and time) and state that it is considered as an area of concern among police officers.

Another fundamental issue which needs to be addressed if an interview is to be effective is priming the interpreter. Since interpreters are generally unaware of the nature of the assignments when they are booked (which seems somehow understandable in police settings), it appears that upon their arrival at the police station they would prefer some information about the assignment, rather than just step into the interview room without any briefing. Brunning (2015), who considers interpreters as "highly skilled people operating at high level" and for whom being properly briefed is equal to being properly prepared, advocates briefing interpreters and claims that that "they should not hear about the events they would be interpreting for the first time as they enter the interview room."

Cambridgeshire Constabulary (2016) also recognises the importance of briefing an interpreter "on the nature of the assignment." Furthermore, a document prepared by the British Ministry of Justice "Achieving Best Evidence in Criminal Proceedings" (2011) also highlights the importance of including interpreters in a planning process which will allow them to develop an understanding of the structure and the aims of the interview and questioning methods.

However, there does not always seem to be a consensus among police officers whether they should brief their interpreters, what they should brief them about or when to brief, that is, in suspect interviews and/or in witness or victim interviews. Some officers claim that an interpreter does not need to be briefed in detail (or briefed at all) in order not to become influenced or contaminated or because they do not wish to reveal the content of the interview prior to it, especially if the same interpreter is to interpret between the defence solicitor and a suspect.<sup>14</sup> These are undoubtedly serious dilemmas and therefore Rombouts (2011) suggests that before the interview the interpreter should be provided with a short briefing (without going into much detail) which will enable their successful participation in the interview. In a similar manner, Avon and Somerset Constabulary (2016), which include briefing and preparation into the responsibilities of both an interviewing officer and an interpreter, state that the interpreter should be provided with "brief information on the nature of the case" and also informed about the interviewing technique.

Last but not least, it should be noted that pre-interview briefing can be an excellent opportunity to build rapport between the interviewer and the interpreter (like between the interviewer and the interviewee during Engage and Explain stage), discuss practical matters, for example, interpreter's breaks or safety (especially in the case of suspect interviews), establish and build trust relations as well as give both parties an opportunity to explain their roles and expectations

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<sup>14</sup> British Transport Police (2016) – personal communication.

towards each other in order to ensure successful cooperation during the interview. Despite such a great importance of briefing and even though Brunning (2015) claims that interpreters should not be apprehensive about requesting briefing, it seems that the initiative in this matter lies mostly on the part of the interviewing officers. Hence, perhaps police officers ought to take this initiative more often and talk to their interpreters about how they would like to work with them.

### **4.2.2 Interview**

Whereas the content of the previous section referred to the pre-interview stage, the issues described in this section (explanation of role and ethics (E), accuracy, active listening and analysis (A), clarification (C)) apply to “the interview proper” and thus refer to the following stages of the PEACE framework for investigative interviewing: Engage and Explain (E), Account (A), and Closure (C).

As previously stated, all of the issues (except for the explanation of role) ought to be observed throughout all of the stages of the interview and not only in its separate stages (see Table 1). The explanation of the interpreter’s role to the interviewer(s), as noted before, should take place during a briefing session in the Preparation and planning stage, whereas to the interviewee during Engage and Explain. The interpreter’s behaviour resulting from the explanation of the role needs to be observed throughout the interview though.

#### **Explanation of the role and ethics (E)**

Clarity is considered to be one of the key concepts of investigative interviewing. This clarity (and comprehensibility), which to a large extent is a result of careful planning, needs to be evident throughout the interview stage as well. While the pre-interview briefing between an interviewer and interpreter should ideally aim at explaining the structure of the interview to the interpreter, provide them with some general information about the interview as well as clarify their role, it is during Engage and Explain stage that the interpreter’s role should be explained to the interviewee (since some interviewees may not be familiar with working with an interpreter). As mentioned earlier, interpreter’s behaviour resulting from the explanation of their role needs to be observed throughout the interview. Due to the fact that it is the interviewer who leads an interview, not the interpreter, it is them who should explain to the interviewee what the interpreter-mediated interview will look like. According to “Achieving Best Evidence in Criminal Proceedings” (2011: 58) at the beginning of the interview it is the interviewer’s task to explain “who will lead the interview in terms of maintaining direct communication with the witness” and to maintain eye contact with the interviewee. Interviewers are also advised to clearly identify the interpreter at the outset of the

interview and if possible, even make sure they are visible in a video recording (“Achieving...” 2011: 58).

Providing the interviewee with a clear explanation how both parties need to work with the interpreter will enhance the flow and success of communication and prevent problems such as, for example, not maintaining eye contact by the interviewee or expecting advocacy from the interpreter (see Eades 2005; Gibbons 2003).

The concept of ethical behaviour appears to be of great importance for investigative interviewing and police interpreting alike, which has already been discussed under the Principle 2 and 3 of investigative interviewing and in various codes of conduct for interpreters. Schollum (2005: 3) maintains that ethical investigative interviewing means “treating suspects with respect, being open-minded, tolerant and impartial” and it seems the same behaviour should be observed by professional police interpreters. On the other hand, knowledge and awareness of the principles of interpreters’ professional conduct by police officers working with interpreters could also prove useful. While there are police officers who “believe that the interpreter acts in good faith and attempts to do the best they possibly can,”<sup>15</sup> there are still probably some who may be concerned about issues such as impartiality or confidentiality. By virtue of that knowledge police officers could be assured that professional interpreters also strive for maintaining standards and ethics at work.

### **Accuracy, active listening, analysis (A)**

While the significance of accuracy in both investigative interviewing and interpreting has already been emphasised while discussing Principle 1, this section focuses on elements which seem to be inextricably linked to it and are considered key skills in interpersonal communication and interpreting, namely active listening and analysis.

Let us first examine active listening from the perspective of investigative interviewing. According to the College of Policing (2016) interviewers need to “support an account with active listening” which is connected to building rapport, understanding and trust by making use of the appropriate non-verbal behaviour, allowing interviewees to pause in order to recall the information without interruptions and encouraging them to carry on until the account is complete.

While it seems vital that interpreters also be aware of and respect the pauses within the interview and avoid taking the floor too early, active listening skills in interpreting, above all, entail listening and at the same time analysing what the speech is about and what the speakers are trying to say which requires split-attention, full concentration and being focused (see Gillies 2013; Jones 1998). Loss of attention, interruptions or background noise often lead to misinterpretation, inaccurate rendition of the message or even omission of the information at times.

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<sup>15</sup> British Transport Police (2016) – personal communication.

Many professionally trained interpreters are able to cope with such difficulties, however police officers may also contribute to a successful and accurate interpretation by, for example, ensuring that interview suites are not exposed to excessive noise or arranging breaks in the interview, bearing in mind that interpreting is a challenging mental process and being aware that interviews may last over an extended period of time.

### **Clarification (C)**

Gerver (1971, cited by Pochhacker 2007: 16) defines interpreting as “a fairly complex form of human information processing involving the reception, storage, transformation and transmission of verbal information” which, as it has been stated above, requires active listening and analysis. It is thus apparent that interpreters need to understand the speaker’s message before rendering it in the target language and if they do not or cannot understand it, they simply cannot provide (accurate) interpretation. However, as noted while discussing Principle 6, interpreters may experience difficulty in understanding what the interviewee means if they do not express their ideas clearly, if they speak in a quiet manner or have (or pretend to have) some speech impairment.

For example, respondents (police officers, judges, and public prosecutors) in the survey on the quality of translation and interpreting services in criminal proceedings in Poland (Mendel 2011: 17–20) reported that there were some cases when “the interpreter was not able to interpret accurately and relay the message due to the fact that the interpreter himself/herself did not understand what the witness meant or did not understand what the suspect was saying.”<sup>16</sup> What is more, some interpreters, to whom the survey was addressed as well, also pointed out that in some cases the message was too fast, unclear or chaotic (Mendel 2011: 29). In such situations it is indispensable for interpreters to ask for clarification or repetition. Tate and Hann (2010) also consider it significant in order to promote understanding between parties. What is more, due to the fact that public service interpreting is a culturally bound activity and interviewees can have different cultural backgrounds, there may be cases when cultural differences will require the interpreter’s intervention, that is, seeking clarification or providing explanation in order to communicate cultural gaps (Angelelli 2008), avoid misunderstanding or a serious communication problems, alert the parties to a possible missed cultural inference, reflect the speaker’s intention and “produce similar reaction in the listener” (Hale 2007: 142).

On this basis, asking for repetition or clarification should not be perceived by police officers as a sign of poor interpreting skills but as an essential strategy applied to ensure obtaining accurate information and rendering the message accurately and faithfully. Certainly, when seeking clarification or asking for

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<sup>16</sup> Translation from Polish – KH.

repetition, interpreters need to make sure that both the interviewee and interviewer are kept informed of such interventions in order to maintain their trust and not to make anyone feel excluded from the communication.

### 4.2.3 Post-interview

#### Evaluation and reflection (E)

Reflective practice, which is related to professional contexts and which according to Ghaye (2005) “is seen as a way of promoting the development of autonomous, qualified and self-directed professionals,” can be a powerful tool to enable the interviewer and interpreter to consider and analyse the interview again. While the reasons for evaluation between both parties differ to some extent, that is, the interviewer does it generally with the intention of “determining how the interviewee’s account fits in with the rest of the investigation or whether any further action is necessary” (College of Policing 2016), there are common bases as well, such as reflecting upon one’s own performance with a view to establishing strong and weak points as well as areas for improvement. Thus, the value of reflection and evaluation cannot be underrated for police forces and interpreters alike. Professionals need to bear in mind that:

Reflection is an important human activity in which people recapture their experience, think about it, mull it over and evaluate it. It is this working with experience that is important in learning. (Boud, Keogh and Walker 1985: 19)

The key notion here seems to be “working with experience,” that is, careful and intentional reflection on experience since the experience alone does not automatically need to lead to learning and/or professional development. What also needs to be noted is the fact that reflective practice and (self-)evaluation should not be considered a valuable tool only for trainee interpreters but, above all, for practising interpreters as one of the fundamental elements of continuing professional development (CPD), aside from attending seminars, training sessions, and conferences.

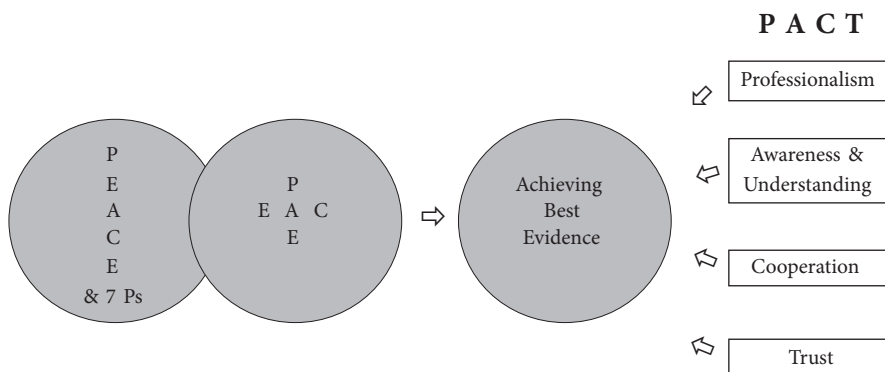
What is more, evaluation can serve as a debriefing session for the interviewer and the interpreter during which both parties can express their opinion and voice their concerns regarding the interpretation during the interview and, if necessary, identify any areas for improvement. The debriefing can also be an opportunity for the interviewer to check the interpreter’s welfare, that is, to establish how they feel after the interview. Interpreting is generally considered a stressful task (see Kurz 2003; Valero-Garcés 2006). Toledano Buendía and Aguilera Ávila (Chapter Three of the present volume) maintain that healthcare and legal settings tend to be stressful environments to work in. It could be asserted that the interview is even more stressful for interpreters than for interviewers on the grounds that

the content can often be emotionally and psychologically straining. Brunning (2015) rightly notices that police officers are able to seek consultation after the interview whereas interpreters “often leave the police station as a ticking bomb.”

Finally, if “the interview should not end abruptly” for a suspect, victim or witness (College of Policing 2016), neither should it for the interpreter. It is therefore crucial that both interpreters and interviewers attach value to the debriefing session instead of considering it as overtime or, even worse, a waste of time. If interpreter-mediated interviews are to be successful, both professionals need to work as a team and cooperate not only during the interview, but also and most of all, before and after.

## 5. Working together to achieve best evidence

In the context of literature that looks at investigative interviewing as well as public service interpreting, the chapter aimed to examine the seven principles of investigative interviewing (7Ps) together with the PEACE framework for investigative interviewing and apply them to interpreter-mediated interviews in order to identify and illustrate shared principles and behaviour between interviewers and interpreters, namely obtaining an accurate and reliable account, refraining from bias, acting fairly and ethically, seeking clarification, careful planning and preparation before an interview and evaluation after an interview. It appears that not only do both parties tend to follow similar principles and value similar concepts and practices, but most of all they share the same goal – achieving best evidence. However, according to the author of the chapter, what is also prerequisite in order to achieve best evidence is PACT, which stands for factors such as professionalism, awareness and understanding, cooperation, and trust (see Figure 2).



**Figure 2.** Achieving best evidence in interpreter-mediated investigative interviews (Holewik)



Professionalism entails skills, integrity and professional conduct, where tenets such as accuracy, impartiality and confidentiality need to be of prime importance for interpreters and interviewers alike. Police officers expect professionalism and for them the fact that the interpreter is on the register should guarantee the quality of interpreting and professionalism (Mendel 2011: 17). In the same way, interpreters perceive police officers as professionals, who work in the public interest by achieving the highest possible standards and whose attitude, effectiveness and professionalism affect people's perceptions not only of the whole police force but, most of all, of the criminal justice system (see Milne and Bull 1999).

Professionals in the interpreter-mediated interviews should also be the individuals who possess knowledge and aim to develop awareness and mutual understanding of how to work effectively with others. Shepherd and Griffiths (2013: 21) claim that "if we receive something from another person, we feel obliged to reciprocate by giving something back. This applies in all human interactions." Such mutual understanding and reciprocity can facilitate an interaction – an interview as well as foster cooperation which, as it has been reiterated throughout the chapter, is such a critical factor in investigative interviewing.

Cooperation is essential throughout the whole interview, during every stage and ought to commence very early on – with briefing. It is also manifested in understanding other participant's roles and behaviours. Interpreters should not be considered as merely "assistants" with a role and status inferior to police officers, lawyers and judges (Gallai 2013: 58), as an impediment or a necessary evil "only used in the rarest of rare occasions when there exists no other option" (Vadackumchery 1999: 99, cited by Gallai 2013: 59). Pöchhacker and Schlesinger (2005: 158) mention three roles which an interpreter may take (especially in medical settings): "the interpreter may either take over the interview, serve as a mere tool to facilitate communication or **work in partnership**<sup>17</sup> with the interviewing specialist." It is widely known that the aim of interpreting is indeed to facilitate communication, but since interactions do not take place in a social vacuum and the interpreter is considered an active participant (Wadensjö 1998; Angelelli 2008; Berk-Seligson 2002), it is the cooperation and partnership between the participants that is essential to ensure a successful outcome, namely, achieving best evidence. For this reason, interviewers ought to explain to interpreters how they would like to work **with them**<sup>18</sup> not through them, and the training on how to work with interpreters should be integrated into the investigative interviewing training (see Perez and Wilson 2007).

Finally, mutual understanding and cooperation as well as establishing rapport can assist promoting trust between the interviewer and the interpreter and in consequence between the interviewer and the interviewee. It is widely known

<sup>17</sup> Emphasis added – KH.

<sup>18</sup> Emphasis added – KH.

that both interviewers and interviewees hold certain expectations towards the interpreter. In particular, he/she

- is present during the interview to facilitate the communication;
- shall not disclose any information (confidentiality);
- shall be interpreting faithfully and will not alter anything, for example, for the benefit of the interviewer or the interviewee;
- shall not side with or advocate for the other party (impartiality).

They trust the interpreter and consequently the interpreter needs to maintain trust with both parties at all times. Last but not least, it is worth mentioning that the interpreter also places trust in the interviewer, especially with regards to their safety hoping, for instance, that their personal details will not be disclosed to a suspect.

Given this, it is apparent that not only do all of the above-mentioned factors, namely professionalism, awareness and understanding, cooperation, and trust, have equally important status, but also that they are interrelated. Therefore, if the interpreter-mediated interviews are to remain accurate and effective and the police evidence reliable when subjected to the scrutiny of the court, these factors as well as principles and concepts for interpreter-mediated interviews suggested in the chapter, would need to be observed at all times.

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